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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,212	07/03/2006	Masahiro Sano	292363US0PCT	9586
22850 7590 03/18/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SALVATORE, LYNDIA				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
03/18/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/585,212

Applicant(s)

SANO ET AL.

Examiner

LYNDA M. SALVATORE

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS) Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-3 in the reply filed on 12/16/09 is acknowledged. The traversal is on the ground(s) that there is no lack of unity of invention. In response, this argument is found persuasive in part. With regard to Group I, claims 1-3 and Group 2, claims 3-5, it is the position of the Examiner that unity of invention exists. As such, Group I and Group II and claims 6-7 of Group III, (e.g., claims 1-7) will re-joined and examined together on the merits. However, with regard to Group III, claims 8-10, Applicant's arguments are not found persuasive. It is the position of the Examiner that the prior art, which will be presented below, evidences that the subject matter of Group III lack the same or corresponding technical features as those set forth in Groups I and II. In addition, the search required for Group III is not considered coextensive with the search required for Groups I and II. As such, claims 8-10 will be withdrawn from further consideration as being drawn to a non-elected method.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 04-311767 and JP 3009499 (note a complete translation of the JP documents will be provided in the next Office Action).

Applicant has provided the following information based on the relevant portion of the Japanese Office Action. As such, since a complete translation is not available at this time the Examiner reiterates the following rejection.

Japanese Patent No. 3009499 and JP-A-H04-311767 each disclose a technical idea that eggshell membrane particles are water soluble and has improved hygroscopicity and is capable of providing a fiber fabric with hygroscopicity utilizing such properties (in particular, see paragraphs [0008] and [0024] of the Japanese Patent No. 3009499 and paragraphs [0011] and [0024] of the JP-A-H04-311767).

Accordingly, in the inventions of Japanese Patent No. 3009499 and JP-A-H04-311767, in order to improve hygroscopicity, in addition to eggshell membrane particles, preparing and polymerizing a fiber treating liquid comprising the components (A), (B) and (C) as recited in claims 1 to 5 of the subject application can be easily made by a person skilled in the art. in this case, bringing the eggshell membrane particles and the components (A), (B) and (C) into contact with a fiber fabric and polymerizing them on the fiber fabric at the same time, or bringing the components (A), (B) and (C) into contact with a fiber fabric and polymerizing them on the fiber fabric at first, and subsequently bringing the eggshell membrane particles into contact with the fiber fabric and polymerizing them on the fiber fabric is a matter of selection which can be appropriately attained by a person skilled in the art.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYNDAM. SALVATORE whose telephone number is (571)272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 15, 2010
Art Unit 1794

/Lynda Salvatore/
Primary Examiner